threatened species pursuant to section 4(a) of the Act, and provide for the conservation of such species by establishing rules and procedures to governing activities involving the species.

(b) The regulations contained in this part apply only to the threatened species enumerated in § 223.102.

(c) The provisions of this part are in addition to, and not in lieu of, other regulations of parts 222 through 226 of this chapter which prescribe additional restrictions or conditions governing threatened species.

[64 FR 14068, Mar. 23, 1999]

### § 223.102 Enumeration of threatened marine and anadromous species.

The species determined by the Secretary of Commerce to be threatened pursuant to section 4(a) of the Act, as well as species listed under the Endangered Species Conservation Act of 1969 by the Secretary of the Interior and currently under the jurisdiction of the Secretary of Commerce, are listed in the table below. The table lists the common and scientific names of threatened species, the locations where they are listed, and the FEDERAL REGISTER citations for the listings and critical habitat designations.

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (a) *Marine Mammals* | | | | |
| (1) Guadalupe fur seal | *Arctocephalus townsendi* | Wherever found U.S.A. (Farallon Islands of CA) south to Mexico (Islas Revillagigedo) | 50 FR 51252; Dec 16, 1985 | NA |
| (2) Steller sea lion | *Eumetopias jubatus* | Eastern population, which consists of all Steller sea lions from breeding colonies located east of 144° W. longitude | 55 FR 13488; Apr 10, 1990<br>55 FR 50006; Dec 4, 1990<br>62 FR 30772; Jun 5, 1997 | 58 FR 45278; Aug 27, 1993<br>64 FR 14067; Mar 23, 1999 |
| (3) Southern DPS—Spotted Seal | *Phoca largha* | The southern DPS includes all breeding populations of spotted seals south of 43 degrees north latitude in the Pacific Ocean | 75 FR 65248; Oct 22, 2010 | NA |
| (4) Ringed seal, Arctic subspecies | *Phoca* (=*Pusa*) *hispida hispida* | The Arctic subspecies of the ringed seal includes all ringed seals from breeding populations in the Arctic Ocean and adjacent seas except west of 157° E. Long., or west of the Kamchatka Peninsula, where breeding populations of ringed seals of the Okhotsk subspecies are listed as threatened under § 223.102(a)(5); or in the Baltic Sea where breeding populations of ringed seals are listed as threatened under § 223.102(a)(6). | 77 FR 76737, 12/28/12 | NA |
| (5) Ringed seal, Okhotsk subspecies | *Phoca* (=*Pusa*) *hispida ochotensis* | The Okhotsk subspecies of the ringed seal includes all ringed seals from breeding populations west of 157° E. Long., or west of the Kamchatka Peninsula, in the Pacific Ocean. | 77 FR 76737, 12/28/12 | NA |
| (6) Ringed seal, Baltic subspecies | *Phoca* (=*Pusa*) *hispida botnica* | The Baltic subspecies of the ringed seal includes all ringed seals from breeding populations within the Baltic Sea. | 77 FR 76737, 12/28/12 | NA |

| Species[1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (7) Bearded seal, Beringia DPS. | *Erignathus barbatus nauticus* | The Beringia DPS of the bearded seal includes all bearded seals from breeding populations in the Arctic Ocean and adjacent seas in the Pacific Ocean between 145° E. Long. (Novosibirskiye) and 130° W. Long., except west of 157° E. Long or west of the Kamchatka Peninsula, where bearded seals from breeding populations of the Okhotsk DPS are listed as threatened under § 223.102(a)(8) | 77 FR 76767, 12/28/12 | NA |
| (8) Bearded seal, Okhotsk DPS. | *Erignathus barbatus nauticus* | The Okhotsk DPS of the bearded seal includes all bearded seals from breeding populations of bearded seals west of 157° E. Long. or west of the Kamchatka Peninsula in the Pacific Ocean | 77 FR 76767, 12/28/12 | NA |
| (b) SEA TURTLES | | | | |
| (1) Green sea turtle[2] | *Chelonia mydas* | Wherever found, except where listed as endangered under § 224.101(c); circumglobal in tropical and temperate seas and oceans | 43 FR 32800; Jul 28, 1978 | 63 FR 46693; Sep 2, 1998, 64 FR 14052; Mar 23, 1999. |
| (2) Loggerhead sea turtle—Northwest Atlantic Ocean DPS[2] | *Caretta caretta* | Northwest Atlantic Ocean north of the equator, south of 60° N. Lat., and west of 40° W. Long | 76 FR 58951, Sept. 22, 2011 | NA. |
| (3) Loggerhead sea turtle—South Atlantic Ocean DPS[2] | *Caretta caretta* | South Atlantic Ocean south of the equator, north of 60° S. Lat., west of 20° E. Long., and east of 67° W. Long | 76 FR 58951, Sept. 22, 2011 | NA. |
| (4) Loggerhead sea turtle—Southeast Indo-Pacific Ocean DPS[2] | *Caretta caretta* | Southeast Indian Ocean south of the equator, north of 60° S. Lat., and east of 80° E. Long.; South Pacific Ocean south of the equator, north of 60° S. Lat., and west of 141° E. Long | 76 FR 58951, Sept. 22, 2011 | NA. |
| (5) Loggerhead sea turtle—Southwest Indian Ocean DPS[2] | *Caretta caretta* | Southwest Indian Ocean north of the equator, south of 30° N. Lat., west of 20° E. Long., and east of 80° E. Long | 76 FR 58951, Sept. 22, 2011 | NA. |
| (6) Olive ridley sea turtle[2] | *Lepidochelys olivacea* | Wherever found, except where listed as endangered under § 224.101(c); circumglobal in tropical and temperate seas | 43 FR 32800; Jul 28, 1978 | NA. |
| (c) *Fishes* | | | | |
| (1) Green sturgeon - southern DPS | *Acipenser medirostris* | U.S.A., CA. The southern DPS includes all spawning populations of green sturgeon south of the Eel River (exclusive), principally including the Sacramento River green sturgeon spawning population. | 71 FR 17757; April 7, 2006; 71 FR 19241; April 13, 2006. | |
| (2) Gulf sturgeon | *Acipenser oxyrinchus desotoi* | Wherever found. | 56 FR 49653; Sep 30, 1991 | 68 FR 13370; Mar 19, 2003. |
| (3) Ozette Lake sockeye | *Oncorhynchus nerka* | U.S.A.- WA, including all naturally spawned populations of sockeye salmon in Ozette Lake and streams and tributaries flowing into Ozette Lake, Washington, as well as two artificial propagation programs: the Umbrella Creek and Big River sockeye hatchery programs. | 64 FR 14528; Mar 25, 1999 70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (4) Central Valley spring-run Chinook | *Oncorhynchus tshawytscha* | U.S.A.- CA, including all naturally spawned populations of spring-run Chinook salmon in the Sacramento River and its tributaries in California, including the Feather River, as well as the Feather River Hatchery spring-run Chinook program. | 64 FR 50394; Sep 16, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52488; Sep 2, 2005. |
| (5) California Coastal Chinook | *Oncorhynchus tshawytscha* | U.S.A.-CA, including all naturally spawned populations of Chinook salmon from rivers and streams south of the Klamath River to the Russian River, California, as well as seven artificial propagation programs: the Humboldt Fish Action Council (Freshwater Creek), Yager Creek, Redwood Creek, Hollow Tree, Van Arsdale Fish Station, Mattole Salmon Group, and Mad River Hatchery fall-run Chinook hatchery programs. | 64 FR 50394; Sep 16, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52488; Sep 2, 2005. |
| (6) Upper Willamette River Chinook | *Oncorhynchus tshawytscha* | U.S.A.- OR, including all naturally spawned populations of spring-run Chinook salmon in the Clackamas River and in the Willamette River, and its tributaries, above Willamette Falls, Oregon, as well as seven artificial propagation programs: the McKenzie River Hatchery (Oregon Department of Fish and Wildlife (ODFW) stock #24), Marion Forks/North Fork Santiam River (ODFW stock #21), South Santiam Hatchery (ODFW stock #23) in the South Fork Santiam River, South Santiam Hatchery in the Calapooia River, South Santiam Hatchery in the Mollala River, Willamette Hatchery (ODFW stock # 22), and Clackamas hatchery (ODFW stock #19) spring-run Chinook hatchery programs. | 64 FR 14308; Mar. 24 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (7) Lower Columbia River Chinook | *Oncorhynchus tshawytscha* | U.S.A.- OR, WA, including all naturally spawned populations of Chinook salmon from the Columbia River and its tributaries from its mouth at the Pacific Ocean upstream to a transitional point between Washington and Oregon east of the Hood River and the White Salmon River, and includes the Willamette River to Willamette Falls, Oregon, exclusive of spring-run Chinook salmon in the Clackamas River, as well as seventeen artificial propagation programs: the Sea Resources Tule Chinook Program, Big Creek Tule Chinook Program, Astoria High School (STEP) Tule Chinook Program, Warrenton High School (STEP) Tule Chinook Program, Elochoman River Tule Chinook Program, Cowlitz Tule Chinook Program, North Fork Toutle Tule Chinook Program, Kalama Tule Chinook Program, Washougal River Tule Chinook Program, Spring Creek NFH Tule Chinook Program, Cowlitz spring Chinook Program in the Upper Cowlitz River and the Cispus River, Friends of the Cowlitz spring Chinook Program, Kalama River spring Chinook Program, Lewis River spring Chinook Program, Fish First spring Chinook Program, and the Sandy River Hatchery (ODFW stock #11) Chinook hatchery programs. | 64 FR 14308; Mar. 24, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (8) Puget Sound Chinook | *Oncorhynchus tshawytscha* | U.S.A.- WA, including all naturally spawned populations of Chinook salmon from rivers and streams flowing into Puget Sound including the Straits of Juan De Fuca from the Elwha River, eastward, including rivers and streams flowing into Hood Canal, South Sound, North Sound and the Strait of Georgia in Washington, as well as twenty-six artificial propagation programs: the Kendal Creek Hatchery, Marblemount Hatchery (fall, spring yearlings, spring subyearlings, and summer run), Harvey Creek Hatchery, Whitehorse Springs Pond, Wallace River Hatchery (yearlings and subyearlings), Tulalip Bay, Issaquah Hatchery, Soos Creek Hatchery, Icy Creek Hatchery, Keta Creek Hatchery, White River Hatchery, White Acclimation Pond, Hupp Springs Hatchery, Voights Creek Hatchery, Diru Creek, Clear Creek, Kalama Creek, George Adams Hatchery, Rick's Pond Hatchery, Hamma Hamma Hatchery, Dungeness/Hurd Creek Hatchery, Elwha Channel Hatchery Chinook hatchery programs. | 64 FR 14308; Mar. 24, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |
| (9) Snake River fall-run Chinook | *Oncorhynchus tshawytscha* | U.S.A.- OR, WA, ID, including all naturally spawned populations of fall-run Chinook salmon in the mainstem Snake River below Hells Canyon Dam, and in the Tucannon River, Grande Ronde River, Imnaha River, Salmon River, and Clearwater River, as well as four artificial propagation programs: the Lyons Ferry Hatchery, Fall Chinook Acclimation Ponds Program, Nez Perce Tribal Hatchery, and Oxbow Hatchery fall-run Chinook hatchery programs. | 57 FR 14653; Apr 22, 1992<br>57 FR 23458; Jun 3, 1992<br>70 FR 37160; Jun 28, 2005 | 58 FR 68543; Dec 28, 1993. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (10) Snake River spring/summer-run Chinook | *Oncorhynchus tshawytscha* | U.S.A.- OR, WA, ID, including all naturally spawned populations of spring/summer-run Chinook salmon in the mainstem Snake River and the Tucannon River, Grande Ronde River, Imnaha River, and Salmon River subbasins, as well as fifteen artificial propagation programs: the Tucannon River conventional Hatchery, Tucannon River Captive Broodstock Program, Lostine River, Catherine Creek, Lookingglass Hatchery, Upper Grande Ronde, Imnaha River, Big Sheep Creek, McCall Hatchery, Johnson Creek Artificial Propagation Enhancement, Lemhi River Captive Rearing Experiment, Pahsimeroi Hatchery, East Fork Captive Rearing Experiment, West Fork Yankee Fork Captive Rearing Experiment, and the Sawtooth Hatchery spring/summer-run Chinook hatchery programs. | 57 FR 14653; Apr 22, 1992<br>57 FR 23458; Jun 3, 1992<br>70 FR 37160; Jun 28, 2005 | 58 FR 68543; Dec 28, 1993<br>64 FR 57399; Oct 25, 1999. |
| (11) Southern Oregon/Northern California Coast coho | *Oncorhynchus kisutch* | U.S.A.- CA, OR, including all naturally spawned populations of coho salmon in coastal streams between Cape Blanco, Oregon, and Punta Gorda, California, as well three artificial propagation programs: the Cole Rivers Hatchery (ODFW stock # 52), Trinity River Hatchery, and Iron Gate Hatchery coho hatchery programs. | 62 FR 24588; May 6, 1997<br>70 FR 37160; Jun 28, 2005 | 64 FR 24049; May 5, 1999. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (12) Lower Columbia River coho | *Oncorhynchus kisutch* | U.S.A.- OR, WA, including all naturally spawned populations of coho salmon in the Columbia River and its tributaries in Washington and Oregon, from the mouth of the Columbia up to and including the Big White Salmon and Hood Rivers, and includes the Willamette River to Willamette Falls, Oregon, as well as twenty-five artificial propagation programs: the Grays River, Sea Resources Hatchery, Peterson Coho Project, Big Creek Hatchery, Astoria High School (STEP) Coho Program, Warrenton High School (STEP) Coho Program, Elochoman Type-S Coho Program, Elochoman Type-N Coho Program, Cathlamet High School FFA Type-N Coho Program, Cowlitz Type-N Coho Program in the Upper and Lower Cowlitz Rivers, Cowlitz Game and Anglers Coho Program, Friends of the Cowlitz Coho Program, North Fork Toutle River Hatchery, Kalama River Type-N Coho Program, Kalama River Type-S Coho Program, Lewis River Type-N Coho Program, Lewis River Type-S Coho Program, Fish First Wild Coho Program, Fish First Type-N Coho Program, Syverson Project Type-N Coho Program, Eagle Creek National Fish Hatchery, Sandy Hatchery, and the Bonneville/Cascade/Oxbow complex coho hatchery programs. | 70 FR 37160; Jun 28, 2005 | NA |
| (13) Columbia River chum | *Oncorhynchus keta* | U.S.A.- OR, WA, including all naturally spawned populations of chum salmon in the Columbia River and its tributaries in Washington and Oregon, as well as three artificial propagation programs: the Chinook River (Sea Resources Hatchery), Grays River, and Washougal River/Duncan Creek chum hatchery programs. | 64 FR 14508; Mar. 25, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (14) Hood Canal summer-run chum | *Oncorhynchus keta* | U.S.A.- WA, including all naturally spawned populations of summer-run chum salmon in Hood Canal and its tributaries as well as populations in Olympic Peninsula rivers between Hood Canal and Dungeness Bay, Washington, as well as eight artificial propagation programs: the Quilcene NFH, Hamma Hamma Fish Hatchery, Lilliwaup Creek Fish Hatchery, Union River/Tahuya, Big Beef Creek Fish Hatchery, Salmon Creek Fish Hatchery, Chimacum Creek Fish Hatchery, and the Jimmycomelately Creek Fish Hatchery summer-run chum hatchery programs. | 64 FR 14508; Mar. 25, 1999<br>70 FR 37160; Jun 28, 2005 | 70 FR 52630; Sep 2, 2005. |
| (15) South-Central California Coast Steelhead | *Oncorhynchus mykiss* | U.S.A.- CA, including all naturally spawned populations of steelhead (and their progeny) in streams from the Pajaro River (inclusive), located in Santa Cruz County, California, to (but not including) the Santa Maria River. | 62 FR 43937; Aug 18, 1997<br>71 FR 834; Jan 5, 2006 | 70 FR 52488; Sep 2, 2005. |
| (16) Central California Coast Steelhead | *Oncorhynchus mykiss* | U.S.A.- CA, including all naturally spawned populations of steelhead (and their progeny) in streams from the Russian River to Aptos Creek, Santa Cruz County, Californian (inclusive), and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), Napa County, California. Excludes the Sacramento-San Joaquin River Basin of the Central Valley of California. | 62 FR 43937; Aug 18, 1997<br>71 FR 834; Jan 5, 2006 | 70 FR 52488; Sep 2, 2005. |
| (17) California Central Valley Steelhead | *Oncorhynchus mykiss* | U.S.A.- CA, including all naturally spawned populations of steelhead (and their progeny) in the Sacramento and San Joaquin Rivers and their tributaries, excluding steelhead from San Francisco and San Pablo Bays and their tributaries. | 63 FR 13347; Mar. 19, 1998<br>71 FR 834; Jan 5, 2006 | 70 FR 52488; Sep 2, 2005. |
| (18) Northern California Steelhead | *Oncorhynchus mykiss* | U.S.A.- CA, including all naturally spawned populations of steelhead (and their progeny) in California coastal river basins from Redwood Creek in Humboldt County, California, to the Gualala River, inclusive, in Mendocino County, California. | 65 FR 36074; June 7, 2000<br>71 FR 834; Jan 5, 2006 | 70 FR 52488; Sep 2, 2005. |
| (19) Upper Willamette River Steelhead | *Oncorhynchus mykiss* | U.S.A.- OR, including all naturally spawned populations of winter-run steelhead in the Willamette River, Oregon, and its tributaries upstream from Willamette Falls to the Calapooia River, inclusive. | 62 FR 43937; Aug 18, 1997<br>71 FR 834; Jan 5, 2006 | 70 FR 52630; Sep 2, 2005. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (20) Lower Columbia River Steelhead | *Oncorhynchus mykiss* | U.S.A.- OR, WA, including all naturally spawned populations of steelhead (and their progeny) in streams and tributaries to the Columbia River between the Cowlitz and Wind Rivers, Washington, inclusive, and the Willamette and Hood Rivers, Oregon, inclusive. Excluded are steelhead in the upper Willamette River Basin above Willamette Falls, Oregon, and from the Little and Big White Salmon Rivers, Washington. | 63 FR 13347; Mar 19, 1998<br>71 FR 834; Jan 5, 2006 | 70 FR 52630; Sep 2, 2005 |
| (21) Middle Columbia River Steelhead | *Oncorhynchus mykiss* | U.S.A.- OR, WA, including all naturally spawned populations of steelhead in streams from above the Wind River, Washington, and the Hood River, Oregon (exclusive), upstream to, and including, the Yakima River, Washington. Excluded are steelhead from the Snake River Basin. | 57 FR 14517; Mar 25, 1999<br>71 FR 834; Jan 5, 2006 | 70 FR 52630; Sep 2, 2005. |
| (22) Snake River Basin Steelhead | *Oncorhynchus mykiss* | U.S.A.- OR, WA, ID, including all naturally spawned populations of steelhead (and their progeny) in streams in the Snake River Basin of southeast Washington, northeast Oregon, and Idaho. | 62 FR 43937; Aug 18, 1997<br>71 FR 834; Jan 5, 2006 | 70 FR 52630; Sep 2, 2005. |
| (23) Puget Sound Steelhead | *Oncorhynchus mykiss* | U.S.A., WA, Distinct Population Segment including all naturally spawned anadromous *O. mykiss* (steelhead) populations, from streams in the river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal, Washington, bounded to the west by the Elwha River (inclusive) and to the north by the Nooksack River and Dakota Creek (inclusive), as well as the Green River natural and Hamma Hamma winter-run steelhead hatchery stocks. | 72 FR 26722; May 11, 2007 | NA |
| (24) Oregon Coast Coho salmon | *Oncorhynchus kisutch* | U.S.A., OR, all naturally spawned populations of coho salmon in Oregon coastal streams south of the Columbia River and north of Cape Blanco, including the Cow Creek (ODFW stock #37) coho hatchery program | 73 FR 7816; Feb 11, 2008; 76 FR 35771, June 20, 2011; June 16, 2011 | 73 FR 7816; Feb 11, 2008<br>76 FR 35771; June 16, 2011<br>73 FR 7816; Feb 11, 2008. |

| Species [1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (25) Upper Columbia River steelhead | *Oncorhynchus mykiss* | U.S.A., WA, Distinct Population Segment including all naturally spawned anadromous *O. mykiss* (steelhead) populations below natural and manmade impassable barriers in streams in the Columbia River Basin upstream from the Yakima River, Washington, to the U.S.-Canada border, as well as six artificial propagation programs: the Wenatchee River, Wells Hatchery (in the Methow and Okanogan Rivers), Winthrop NFH, Omak Creek, and the Ringold steelhead hatchery programs. | 71 FR 834; Jan 5, 2006 | 70 FR 52630; Sep 2, 2005. |
| (26) Rockfish, Yelloweye—Puget Sound/Georgia Basin DPS. | *Sebastes ruberrimus* | U.S.A.-Washington, and British Columbia, including Puget Sound and Georgia Basin | 75 FR 22289, April 28, 2010 | 75 FR 22289, April 28, 2010. |
| (27) Rockfish, Canary—Puget Sound/Georgia Basin DPS. | *Sebastes pinniger* | U.S.A.-Washington, and British Columbia, including Puget Sound and Georgia Basin | 75 FR 22289, April 28, 2010 | 75 FR 22289, April 28, 2010. |
| (28) eulachon - southern DPS | *Thaleichthys pacificus* | Wherever Found | 75 FR 13024, Mar. 18, 2010 | 75 FR 13024, Mar. 18, 2010 |
| (29) Atlantic Sturgeon—Gulf of Maine DPS. | *Acipenser oxyrinchus oxyrinchus* | Gulf of Maine Distinct Population Segment. The GOM DPS includes the following: All anadromous Atlantic sturgeon that are spawned in the watersheds from the Maine/Canadian border and extending southward to include all associated watersheds draining into the Gulf of Maine as far south as Chatham, MA, as well as wherever these fish occur in coastal bays and estuaries and the marine environment. Within this range, Atlantic sturgeon have been documented from the following rivers: Penobscot, Kennebec, Androscoggin, Sheepscot, Saco, Piscataqua, Presumpscott, and Merrimack. The marine range of Atlantic sturgeon from the GOM DPS extends from Hamilton Inlet, Labrador, Canada to Cape Canaveral, FL. The GOM DPS also includes Atlantic sturgeon held in captivity (*e.g.,* hatcheries, scientific institutions) and which are identified as fish belonging to the GOM DPS based on genetics analyses, previously applied tags, previously applied marks, or documentation to verify that the fish originated from (hatched in) a river within the range of the GOM DPS, or is the progeny of any fish that originated from a river within the range of the GOM DPS | 77 FR 5880; 2/6/12 | NA. |

| Species[1] | | Where listed | Citation(s) for listing determination(s) | Citation(s) for critical habitat designation(s) |
|---|---|---|---|---|
| Common name | Scientific name | | | |
| (d) *Marine Invertebrates* | | | | |
| (1) Elkhorn coral | *Acropora palmata* | Wherever found. Includes United States Florida, Puerto Rico, U.S. Virgin Islands, Navassa; and wider Caribbean Belize, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, Panama, Venezuela and all the islands of the West Indies. | 71 FR 26852, May 9, 2006 | 73 FR 72210, Nov. 26, 2008 |
| (2) Staghorn coral | *Acropora cervicornis* | Wherever found. Includes United States Florida, Puerto Rico, U.S. Virgin Islands, Navassa; and wider Caribbean Belize, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, Panama, Venezuela and all the islands of the West Indies. | 71 FR 26852, May 9, 2006 | 73 FR 72210, Nov. 26, 2008 |
| (e) *Marine Plants* | | | | |
| (1) Johnson's seagrass | *Halophila johnsonii* | Wherever found. U.S.A. - Southeastern FL between Sebastian Inlet and north Biscayne Bay. | 63 FR 49035; Sep 14, 1998 | 65 FR 17786; Apr 5, 2000 |

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).
[2] Jurisdiction for sea turtles by the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, is limited to turtles while in the water.

[71 FR 26861, May 9, 2006, as amended at 71 FR 31965, June 2, 2006; 71 FR 38270, July 6, 2006; 72 FR 26734, May 11, 2007; 73 FR 7843, Feb. 11, 2008; 73 FR 72236, Nov. 26, 2008; 74 FR 42606, Aug. 24, 2009; 75 FR 13024, Mar. 18, 2010; 75 FR 22289, Apr. 28, 2010; 75 FR 65248, Oct. 22, 2010; 76 FR 35771, June 20, 2011; 76 FR 58951, Sept. 22, 2011; 77 FR 5911, Feb. 6, 2012; 77 FR 76737, 76767, Dec. 28, 2012]

## Subpart B—Restrictions Applicable to Threatened Marine and Anadromous Species

### § 223.201 Guadalupe fur seal.

(a) *Prohibitions.* The prohibitions of section 9 of the Act (16 U.S.C. 1538) relating to endangered species apply to the Guadalupe fur seal except as provided in paragraph (b) of this section.

(b) *Exceptions.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under paragraph (a) of this section in accordance with the subject to the provisions of part 222 subpart C—General Permit Procedures.

(2) Any Federal, State or local government official, employee, or designated agent may, in the course of official duties, take a stranded Guadalupe fur seal without a permit if such taking:

(i) Is accomplished in a humane manner;

(ii) Is for the protection or welfare of the animal, is for the protection of the public health or welfare, or is for the salvage or disposal of a dead specimen;

(iii) Includes steps designed to ensure the return of the animal to its natural habitat, if feasible; and

(iv) Is reported within 30 days to the Regional Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

(3) Any animal or specimen taken under paragraph (b)(2) of this section may only be retained, disposed of, or